

Form G5 (20200113\_bko)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
Eastern Division

In Re:	)	Case Number: 22-04843
Frank Garcia, Jr	)	
Kathy H Garcia	)	Chapter: 13
	)	Honorable Jacqueline Cox
	)	
Debtor(s)	)	

**AGREED ORDER RESOLVING MOTION TO DISMISS CASE AND FOR ORDER BARRING DEBTORS FROM REFILE FOR 180 DAYS, OBJECTION TO MOTION TO EXTEND AUTOMATIC STAY, AND OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AS TO 226 WHITEWOOD DRIVE, STREAMWOOD, IL 60107**

This cause coming to be heard on the Motion of U.S. BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF THE CABANA SERIES IV TRUST ("Creditor") to Dismiss Case and for Order Barring Debtors from Refiling for 180 Days as docket 17, Objection to Motion to Extend Automatic Stay as docket 20, and the Objection to Confirmation of Chapter 13 Plan as docket 18, and Debtors and Creditor agree as follows:

1. Beginning with the June 2022 regular monthly post-petition mortgage payment, the Debtors must timely make their regular monthly post-petition mortgage payment directly to Creditor, which is due and owing on the first day of every month.
2. If the Creditor does not receive any payments required under Paragraph 1 by the due date, Creditor may issue a Notice of the Default stating the amount of the default and giving the debtor 10 (ten) days to cure the default. The Notice of Default must be filed with the court with a certificate of service on the Debtors and Debtors' lawyer. If the Debtors do not cure the default within 10 (ten) days from the filing date of the Notice of Default, then Creditor may file an Affidavit of Default with a certificate of service on the Debtor and Debtors' lawyer. Upon the filing of the Affidavit of Default by Movant, and without need for further hearing, the Chapter 13 case shall be dismissed upon submission of an Order to the Court, and the Debtors shall be barred from refiling any Bankruptcy proceeding for 180 days from the date that the order dismissing the case is entered.
3. Creditor shall be permitted to file a Supplemental Proof of Claim in the total amount of \$956.88 for the May 2022 payment in the amount of \$956.88, to be paid by the Trustee at the same level as pre-petition arrearage without further order, within 30 days of the entry of the Agreed Order.
4. The Motion to Dismiss, Objection to Motion to Extend Automatic Stay, and Plan Objection will be withdrawn upon the entry of this Agreed Order.
5. In the event the instant bankruptcy proceeding is converted to Chapter 7, or is otherwise dismissed for any other reason, this Order shall remain in effect.

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Enter:

*Jacqueline P. Cox*

*J. Cox*

Honorable Jacqueline Cox

United States Bankruptcy Judge

Dated: **JUN 10 2022**

**Prepared by:**

**EXAMINED AND APPROVED:**

/s/ Jon J. Lieberman  
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